

Application No.: 10/752,208
Amendment dated April 4, 2006
Reply to Office Action of January 4, 2006

REMARKS

The Applicant respectfully requests entry of the above Amendment, and consideration of the application, as amended.

By this Amendment many of the claims were amended to more particularly point out and distinctly claim the subject invention and to place the claims in better form for allowance. New claims 31-33 were introduced. The addition of "new matter" has been scrupulously avoided.

Claims 1-10 and 21-33 are now pending in this application.

1. Response to Drawing Objection

In paragraph 3 bridging pages 2 and 3 of the Office Action, the Patent Office objected to the drawings for failing to illustrate a plurality of detachably mounted second lids as recited in claim 10 and requests that this feature be shown or the feature cancelled from the claim. The Applicant proposes that the amendment shown in attached mark-up of Figure 7 be provided to address this objection. The Applicant will submit a new drawing for Figure 7 and amend the specification in a Supplemental Response as soon as possible.

2. Response to Claim Objections

In paragraphs 4 and 5 on page 3 of the Office Action, the Patent Office objected to the wording of claims 5 and 7. The Applicant believes that the above amendment addresses these objections.

3. Response to Anticipation Rejection based upon Brown

In paragraphs 6 and 7 on pages 4 and 5 of the Office Action, the Patent Office rejected claims 1-10 under 35 USC 102(b) as anticipated by U.S. Patent 3,873,114 of Brown [herein "Brown"]. However, The Applicant respectfully submits that these rejections are inappropriate.

The Applicant's undersigned Agent typically refers to the MPEP for guidance when considering whether an anticipation rejection is appropriate. For instance, MPEP § 2131 defines the conditions under which an anticipation rejection is appropriate:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim...

The Applicant submits that Brown, a reference that the Applicant brought to the Patent Office's attention, does not include "each and every element" of the invention recited in claims 1-10, nor does Brown show the invention "in as complete detail" as claims 1-10.

With respect to claim 1, contrary to the assertions made by the Patent Office, Brown does not disclose "at least one second lid detachably mounted between the first end and the second end." The Applicant believes that it will be instructive to review the disclosure of the present invention and the teachings of Brown in order to illustrate how Brown does not disclose this limitation. As most clearly illustrated in Figures 6 and

7 of the instant application, one aspect of the invention includes a removable lid or shelf 18. As described in paragraphs [0025-0026], lid 18 may freely slide along the upper rim of body 11 or may be removed from the main body 11 to, for example, provide a serving tray. It is this removability or detachability that characterizes this aspect of the invention and distinguishes it from the prior art, including Brown.

In contrast, Brown does not provide a detachable lid as recited in claim 1. The Applicant submits that Brown's failure to provide a detachable lid is consistent with the typical use of the container of Brown. For example, as described at 1:9-18, Brown describes the limitations of prior art containers used for hunting, fishing and camping. Again, at 1:47-50, Brown describes his container as "useful to fisherman, hunters and campers..." Clearly, the Brown container is intended for rugged outdoor use, for example, when hauling equipment over uneven terrain.

In the Patent Office's comments in paragraph 7 of the Action, the Patent Office identifies structure 23 of Brown as corresponding to the Applicant's claimed detachably mounted second lid. However, the Applicant submits that there is no disclosure or suggestion in Brown that the lid 23 is detachable from container 11. Specifically, the only reference in Brown to lid 23 appears at 2:14-16, which reads:

Insulating covers 22 and 23 are provided for access to compartment 19, each cover position being provided with a recessed grip such as 24.

That's it! There is no other mention in Brown of the form or function of covers 22 and 23. This lack of a disclosure of the details of covers 22 and 23 is, however, understandable, since the Brown invention is drawn to the hinged platforms 12 and 13 and not the covers 22, 23. Based upon this failure of Brown to disclose that the covers 22, 23, be detachable, the Applicant submits that Brown does not disclose "each and every element" of the invention recited in claims 1, nor does Brown show the invention "in as complete detail" as claim 1, Brown does not anticipate the invention of claim 1.

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Moreover, lacking the description of the form or function of covers 22 and 23, the Figures of Brown provide further evidence that covers 22 and 23 are not detachable as recited in claim 1. For example, as shown in Figure 1 of Brown, covers 22 and 23 and, recited in the only passage (2:14-16) in Brown which mentions covers 22 and 23, covers 22 and 23 are provided with "a recessed grip such as 24". However, close examination of Figure 1 shows that each grip 24 is positioned to one side of covers 22 and 23, that is, in a fashion that clearly indicates that covers 22 and 23 are hinged to the container 11 along the edges opposite the grips 24. Lacking any other description of the mounting of covers 22 and 23 to container 11, the only reasonable interpretation that one of skill in the art can draw from the location of grips 24 is that the covers are not detachably mounted, as claimed, but hinged. This is of course consistent with the disclosure of Brown where a container "useful to fisherman, hunters and campers" is unlikely to have unsecured covers that can be dislodged during transport and use. Again, the Applicant submits that Brown does not anticipate the invention recited in claim 1, and respectfully requests that this rejection be reconsidered and withdrawn.

With respect to the rejections of dependent claims 2-10, the Applicant submits that these claims are not anticipated by Brown for the same reasons that claim 1, from which they depend, is not anticipated. In addition, aspects of the dependent claims are not disclosed or suggested by Brown. For example, with respect to claim 7, Brown does not disclose, teach, or suggest that the first lid or the third lid be "adapted to be pivotally mounted in a vertical position outside the open top of the enclosure." This aspect of the invention is most clearly illustrated in Figure 7 of the instant application, where lids 16 and 17 are rotated into a vertical orientation outside the container. There is no teaching or suggestion in Brown that the lids of Brown can be rotated as such. Though the Patent Office claims that Brown's lid 13 can be rotated in such a fashion, this is mere speculation. In fact, the shape and position of the hinges 16 do not appear to permit this rotation. Moreover, the presence of legs 17 and 18 in Brown appear to prevent the claimed rotation into a vertical position.

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Also, with respect to claim 8, Brown does not disclose or suggest that the first lid, the second lid, and the third lid be "adapted to substantially enclose the open top of the enclosure." Clearly, Figure 2 of Brown illustrates how two lids 12 and 13 enclose the top of container 11. The reported second lid 22 does not appear in Figure 2 and is not adapted to cover the top of container 11. With respect to claim 9, Brown does not disclose or suggest that the Brown container include "at least one removable sub-container" as claimed. Contrary to the Patent Office's comments, item 19 in Brown is a "compartment" (2:15), not a removable container. The Applicant respectfully requests that these rejections be reconsidered and withdrawn.

4. Response to Obviousness Rejection based upon Primas

In paragraphs 8 and 9 on pages 7 and 8 of the Action, the Patent Office Rejected claims 21-30 as obvious under 35 USC 103(a) in view of Brown and U.S. Patent 3,300,399 of Primas [herein "Primas"]. The Applicant respectfully submits that this rejection is inappropriate and requests that this rejection be reconsidered and withdrawn based upon the following comments and observations.

First, since Primas does not provide the limitations of that are missing from Brown with respect to claim 1, from which claims 21-30 depend, the Applicant submits that claims 21-30 are not obvious in view of Brown and Primas.

Moreover, aspects of the dependent claims are not disclosed or suggested by Brown or Primas. For example, with respect to claims 23 and 24, contrary to the Patent Office's statements, the Primas hinge is not adapted to be rotated about 180 degrees or about 270 degrees as claimed. The clearest illustration of Primas's failure to provide this claimed feature is illustrated in Figures 11 and 14 of Primas. In either figure, a visualization of the rotation of cover 27 about dowel 21 clearly illustrates that this rotation is limited, for example, to at most 120 degrees. In each of these figures, the

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back of cover 27 will contact the top of bottom piece 9 when rotated in a counter-clockwise direction. This is similar to the rotation of the cover 27 shown in Figure 2 of Primas. There is no teaching or suggestion in Primas that the disclosed hinge be capable of being rotated further. The Applicant respectfully requests that these rejections be reconsidered and withdrawn.

4. New Claims

New claims 31-33 were introduced to further recite inventions protection for which the applicant is entitled. New claim 31 recites the detachably mounted second lid is adapted to slidably mount to the open top of the enclosure, for example, as shown by double arrow 26 in Figure 6 and described at the end of paragraph [0025]. New claim 32 recites that at least one of the lids include at least one "liquid collector," for example as identified by item 40 in Figures 7 and 14 and described in paragraph [0036]. New claim 33 recites that the first lid and second lid be adapted to substantially enclose the open top of the enclosure, for example, as shown in Figures 1-3 for three lids. These features of the present invention are neither disclosed, taught, nor suggested by Brown or Primas.

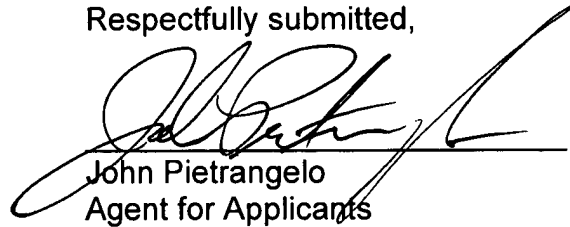
5. Conclusions

The Applicant believes that the above Amendment and Remarks overcome the rejections of the subject Office Action and place the application in condition for allowance. An early and favorable action on the merits of the application is requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, the Applicant's undersigned Agent invites the Examiner to telephone him at the number provided.

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Respectfully submitted,



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